



November 15, 2018

**VIA ELECTRONIC FILING**

<https://www.fcc.gov/ecfs/filings>

Chairman Ajit Pai  
Commissioner Michael O'Rielly  
Commissioner Brendan Carr  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**RE: MB Docket No. 05-311. Second Further Notice of Proposed Rulemaking.**  
**Implementation of Section 621(a)(1) of the Cable Communications Policy Act of**  
**1984 as Amended by the Cable Television Consumer Protection and Competition**  
**Act of 1992.**

Honorable Chairman Pai and Commissioners O'Rielly, Carr, and Rosenworcel:

The City of Laguna Beach is strongly opposed to the Further Notice of Proposed Rulemaking (FNPRM), which proposes to allow cable companies to deduct the fair market value for a wide range of public benefits from their franchise fee obligations, namely public, educational, and government (PEG) channel capacity and transmission.

PEG programming offers a host of community benefits, including public access channels, educational access channels, and government access channels all aimed at providing locally beneficial information. The City of Laguna Beach utilizes PEG to televise City Council and Planning Commission meetings, plus other special events that occur within the community. This is a vital outlet as it provides additional access to the civic process within the City; particularly for individuals who have conditions preventing them from attending these meetings or events in person. The City of Laguna Beach is committed to providing transparency and a high customer service level to the public. PEG programming serves as part of the overall package that allows the City to do so.

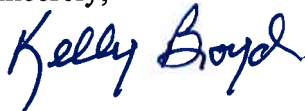
In 2006, California passed the Digital Infrastructure and Video Competition Act, which streamlined the deployment of cable services by making the California Public Utilities Commission (CPUC) the sole franchising authority in the state and preserved many of the provisions commonly found in local franchise ordinances. It was the intent of the state legislature to streamline deployment while keeping local government revenues intact, ensuring that local public rights-of-way remained under control of cities and counties, and that a sufficient amount of

capacity on cable networks was preserved for public, educational, and government (PEG) access channels.

Fair and appropriate use of the public right-of-way is the fundamental policy principle for the imposition of a cable franchise fee and any other reasonable conditions required to preserve the character of each community. While the cable and telecommunications industry continue to attack the responsibility of local governments to protect the public health and safety of their own communities, our residents stand to lose the most in terms of the public benefits they receive and the input they can provide for facilities installed in their own backyards. The FCC should instead consider ways that cable operators can improve their services.

The City of Laguna Beach **opposes** the FNPRM and respectfully urges the FCC to reject the deterioration of PEG services and fair use of the public right-of-way.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Boyd". The signature is written in a cursive, flowing style.

Mayor Kelly Boyd

cc: Laguna Beach City Council